

FILED

APR 26, 2001

SUPREME COURT OF WISCONSIN

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

In the Matter of the Amendment of
Supreme Court Rules: SCR Chapter
60 - Code of Judicial Conduct -
Appendix

ORDER
No. 01-02

On January 26, 2001, the Judicial Conduct Advisory Committee filed a petition seeking to amend Appendix, section B of Chapter 60, which is entitled Procedures of the Judicial Conduct Advisory Committee. The Committee seeks to enlarge the timetable for the consideration of a request for a formal advisory opinion and issuance of the opinion. The court has considered the petition and has determined that a public hearing on the matter is not required.

IT IS ORDERED that, effective the date of this order, section B of the Appendix to the Code of Judicial Conduct, SCR Chapter 60, is amended as follows:

SECTION 1. SCR Chapter 60 (Appendix), section B (1) is amended to read:

B. (1) REQUEST FOR ~~FORMAL ADVISORY OPINIONS~~ FORMAL ADVISORY OPINIONS. A request for a formal advisory opinion shall be in writing and shall be addressed to the chair of the committee ~~in care of~~. The requestor shall also send a copy of the request to the director of state courts Office, ~~P.O. Box 1688, Madison, WI 53701-1688~~. The

request shall include a detailed statement of all relevant facts and circumstances, a discussion of the issues presented in the request, and references to the relevant provisions of the code of judicial conduct, advisory opinions, case law, and other authority the requestor has consulted in the matter. ~~The request shall be forwarded to the chair of the committee.~~ The identity, organizational affiliation, and geographic location of a person requesting a formal advisory opinion shall be confidential.

SECTION 2. SCR Chapter 60 (Appendix), section B (2) (b) is amended to read:

B. (2) (b) Within ~~15~~ 30 days after receipt of the assignment of the request or receipt of sufficient supplemental information, if requested, the member to whom ~~a~~ the request is assigned shall circulate to all committee members a preliminary recommendation and draft opinion. Prior to circulation of a preliminary recommendation and draft opinion, the member to whom ~~a~~ the request is assigned may consult with other committee members.

SECTION 3. SCR Chapter 60 (Appendix), section B (2) (c) is amended to read:

B. (2) (c) Within ~~10~~ 15 days after ~~the circulation~~ receipt of ~~a~~ the preliminary recommendation and draft opinion, committee members shall circulate to all other committee members any comments on the recommendation and opinion. Within the same 15-day period any committee member may also request that a discussion of the preliminary recommendation and draft opinion be held. If a majority of the committee determines that a discussion is needed,

the committee shall have a discussion of the matter within 30 days after the committee determined a discussion was needed.

SECTION 4. SCR Chapter 60 (Appendix), section B (2) (e) is renumbered SCR Chapter 60 (Appendix), section B (2) (e) 1. (intro.) and amended to read:

B. (2) (e) 1. Within ~~10~~ 20 days ~~after the last day for comment on a preliminary recommendation and draft opinion of~~ whichever of the following dates is applicable, the committee member to whom the request has been assigned shall circulate a final draft opinion to the committee members~~;~~:

2. Formal advisory opinions shall be decided by a majority vote of the committee within ~~five~~ 10 days after circulation of the final draft opinion.

SECTION 5. SCR Chapter 60 (Appendix), sections B (2) (e) 1. a. and b. are created to read:

B. (2) (e) 1. a. If no request for discussion is made or if a request is not agreed to by the committee, the last day for comment on the preliminary recommendation and draft opinion under par. (c).

b. If a request for discussion is agreed to by the committee, the date of discussion on the matter under par. (c).

SECTION 6. SCR Chapter 60 (Appendix), section B (5) (a) is amended to read:

B. (5) (a) Within ~~10~~ 15 days after receipt of a formal advisory opinion, the requestor may request in writing to the committee that it reconsider the opinion, explaining the basis for

that request. Within 10 days after receipt of a request for reconsideration from the requestor, the committee shall respond by granting the request and approving or revising the opinion or by denying the request. Upon granting a request for reconsideration, the committee shall consider the matter as set forth in sec. (2).

IT IS FURTHER ORDERED that notice of the amendment of the Supreme Court Rules shall be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 26th day of April, 2001.

BY THE COURT:

Cornelia G. Clark
Clerk